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SMITH RISLEY TEMPEL SANTOS LLC			GOYEA, OLUSEGUN	
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Suite 700			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/596,378 OLUSEGUN GOYEA	KORMAN, DORON Art Unit 3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 April 2012.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-8,26 and 28-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4-8,26 and 28-36 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 11 June 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/20/2012 has been entered.

Status of claims

This non-final office action is in response to Applicant's submission filed 04/20/2012. Currently, claims 1, 2, 4-8, 26 and 28-36 are pending. Claims 1, 2, 4, 8, 26, 29 and 30 have been amended. Claims 3, 9-25 and 27 have been cancelled. Claims 31-36 are newly added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 4, 26 and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. No. 2007/0067391 (Masciantonio et al. - hereinafter Masciantonio).

Referring to **claim 1**, Masciantonio discloses a method for delivering medical assistance to a patient traveler while visiting in a foreign country, the traveler utilizing a client system coupled to a medical web server over the internet and running a web browser, the method comprising the steps of: [See paragraph 0037, figure 1]

receiving a traveler selection of one of the selection buttons; [See paragraphs 0045, 0039, 0042 - *The server receives the medical request via selection of the one or more hyperlinks on the web pages.*]

sending a request to a server; [See paragraphs 0037, 0039]
the server delivering to the traveler via the client device system the medical assistance associated with the selected button; [See paragraphs 0039, 0037]
wherein the request determines that the medical assistance is delivered in a form selected from the group consisting of a language associated with the foreign country

and a format customized to the foreign country. [See paragraphs 0037, 0020, 0039 -
The output information is provided in the foreign language and format of the country the patient is located.]

Masciantonio does not explicitly disclose the limitation: displaying one or more selection buttons on a display of the client system, wherein each selection is associated with at least one type of medical assistance.

However, Masciantonio teaches a home webpage with one or more hyperlinks. The users may navigate through system by using hyper links to other pages. Members may interact with system by browsing for information stored in the system, by entering new information into the system and by updating information in the system. [See paragraph 0045 and figure 4]. In addition, the method of Masciantonio teaches a web application comprising a web site that facilitates interaction between members, providers, facilitator and system. The web site also includes a list of common medical terms, phrases, and pharmaceuticals that are cross-referenced in multiple languages. [See paragraph 0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more hyperlinks on the webpage are selected to interact with the system to obtain medical assistance, such as available local medical providers, sickness and prescription description and translation, etc.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more webpage hyperlinks are functionally equivalent to the

selection buttons, that when selected, provides medical assistance to a traveler while traveling in a foreign country.

Referring to **claim 2**, Masciantonio discloses the system as applied in the rejection of claim 1 above, wherein the step of delivering the medical assistance comprises providing a translation of a prescription into the language associated with the foreign country. [See paragraphs 0020, 0037]

Referring to **claim 4**, Masciantonio discloses the system as applied in the rejection of claim 1 above, wherein the step of sending the request to the server comprises sending the request over the Internet. [See paragraphs 0035, 0045, 0003.]

Referring to **claim 26**, Masciantonio discloses a system for delivery medical assistance to a patient traveler, the server being accessible over the internet by a traveler who is traveling in a foreign country and operating a client device, the server comprising:

a communication module executing within the server and operative to receive a selection of one of the selection buttons when actuated by a traveler; [See paragraphs 0045, 0039, 0042 - *The server receives the medical request via selection of the one or more hyperlinks on the web pages.*]

a database access module executing within the server and operative to access information in at least two languages; [See paragraphs 0011, 0037]

a web-page generating module executing within the server for delivering the medical assistance associated with the selection buttons to the traveler; and [See paragraphs 0037, 0039]

wherein the selection received by the communication module determines that the medical assistance is delivered in a form selected from the group consisting of a language associated with the foreign country and a format customized to the foreign country. [See paragraphs 0037, 0039 – *The output information is provided in the foreign language and format of the country the patient is located.*]

Masciantonio does not explicitly disclose the limitations:

a communication module executing within the server and operative to communicate information illustrating a display of one or more selection buttons on a display of the client device, wherein each selection button is associated with the at least one type of medical assistance.

However, Masciantonio teaches a home webpage with one or more hyperlinks. The users may navigate through system by using hyper links to other pages. Members may interact with system by browsing for information stored in the system, by entering new information into the system and by updating information in the system. [See paragraph 0045 and figure 4]. In addition, the method of Masciantonio teaches a web application comprising a web site that facilitates interaction between members, providers, facilitator and system. The web site also includes a list of common medical terms, phrases, and pharmaceuticals that are cross-referenced in multiple languages. [See paragraph 0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more hyperlinks on the webpage are selected to interact with the system to obtain medical assistance, such as available local medical providers, sickness and prescription description and translation, etc.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more webpage hyperlinks are functionally equivalent to the selection buttons, that when selected, provides medical assistance to a traveler while traveling in a foreign country.

Referring to **claim 30**, Masciantonio discloses a method for delivering medical assistance to a patient traveler while visiting in a foreign country, the traveler utilizing a client system, the method comprising the steps of: [See paragraph 0037, figure 1]

receiving a selection of one of the selection buttons; [See paragraphs 0045, 0039, 0042 - *The server receives the medical request via selection of the one or more hyperlinks on the web pages.*]

sending a request to a server; and [See paragraphs 0037, 0039]
the server, accessing a prescription database, wherein such database includes information in at least two languages; [See paragraphs 0020, 0037]

delivering the medical assistance associated with the selected button; [See paragraphs 0039, 0037]

wherein the selection determines that the medical assistance is delivered in a form selected from the group consisting of a language associated with the foreign

country and a format customized to the foreign country. [See paragraphs 0037, 0020, 0039 - *The output information is provided in the foreign language and format of the country the patient is located.*]

Masciantonio does not explicitly disclose the limitation: displaying one or more selection buttons on a display of the client system, wherein each selection is associated with at least one type of medical assistance.

However, Masciantonio teaches a home webpage with one or more hyperlinks. The users may navigate through system by using hyper links to other pages. Members may interact with system by browsing for information stored in the system, by entering new information into the system and by updating information in the system. [See paragraph 0045 and figure 4]. In addition, the method of Masciantonio teaches a web application comprising a web site that facilitates interaction between members, providers, facilitator and system. The web site also includes a list of common medical terms, phrases, and pharmaceuticals that are cross-referenced in multiple languages. [See paragraph 0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more hyperlinks on the webpage are selected to interact with the system to obtain medical assistance, such as available local medical providers, sickness and prescription description and translation, etc.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more webpage hyperlinks are functionally equivalent to the

selection buttons, that when selected, provides medical assistance to a traveler while traveling in a foreign country.

Referring to **claim 31**, Masciantonio discloses a method for delivering medical assistance to a patient traveler while visiting in a foreign country, the traveler utilizing a client system, the method comprising the steps of: [See paragraph 0037, figure 1] receiving a selection of one of the selection buttons; [See paragraphs 0045, 0039, 0042 - *The server receives the medical request via selection of the one or more hyperlinks on the web pages.*]

sending a request to a server; and [See paragraphs 0037, 0039]
the server delivering to the client system the medical assistance associated with the selected button; [See paragraphs 0039, 0037]

wherein the request determines that the medical assistance is delivered in a form selected from the group consisting of a language associated with the foreign country and a format customized to the foreign country; and [See paragraphs 0037, 0020, 0039 - *The output information is provided in the foreign language and format of the country the patient is located.*]

wherein the medical assistance comprises medical referral information in the language associated with the foreign country. [See paragraphs 0020, 0037]

Masciantonio does not explicitly disclose the limitation: displaying one or more selection buttons on a display of the client system, wherein each selection is associated with at least one type of medical assistance.

However, Masciantonio teaches a home webpage with one or more hyperlinks. The users may navigate through system by using hyper links to other pages. Members may interact with system by browsing for information stored in the system, by entering new information into the system and by updating information in the system. [See paragraph 0045 and figure 4]. In addition, the method of Masciantonio teaches a web application comprising a web site that facilitates interaction between members, providers, facilitator and system. The web site also includes a list of common medical terms, phrases, and pharmaceuticals that are cross-referenced in multiple languages. [See paragraph 0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more hyperlinks on the webpage are selected to interact with the system to obtain medical assistance, such as available local medical providers, sickness and prescription description and translation, etc.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more webpage hyperlinks are functionally equivalent to the selection buttons, that when selected, provides medical assistance to a traveler while traveling in a foreign country.

Referring to **claim 32**, Masciantonio discloses a method for delivering medical assistance to a patient traveler while visiting in a foreign country, the traveler utilizing a client system, the method comprising the steps of: [See paragraph 0037, figure 1]

receiving a selection of one of the selection buttons; [See paragraphs 0045, 0039, 0042 - *The server receives the medical request via selection of the one or more hyperlinks on the web pages.*]

sending a request to a server; and [See paragraphs 0037, 0039]
the server delivering to the client system the medical assistance associated with the selected button; [See paragraphs 0039, 0037]

wherein the request determines that the medical assistance is delivered in a form selected from the group consisting of a language associated with the foreign country and a format customized to the foreign country; and [See paragraphs 0037, 0020, 0039

- *The output information is provided in the foreign language and format of the country the patient is located.*]

wherein the medical assistance comprises online drug consultation in a preferred language of the traveler. [See paragraphs 0020, 0037]

Masciantonio does not explicitly disclose the limitation: displaying one or more selection buttons on a display of the client system, wherein each selection is associated with at least one type of medical assistance.

However, Masciantonio teaches a home webpage with one or more hyperlinks. The users may navigate through system by using hyper links to other pages. Members may interact with system by browsing for information stored in the system, by entering new information into the system and by updating information in the system. [See paragraph 0045 and figure 4]. In addition, the method of Masciantonio teaches a web application comprising a web site that facilitates interaction between members,

providers, facilitator and system. The web site also includes a list of common medical terms, phrases, and pharmaceuticals that are cross-referenced in multiple languages. [See paragraph 0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more hyperlinks on the webpage are selected to interact with the system to obtain medical assistance, such as available local medical providers, sickness and prescription description and translation, etc.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more webpage hyperlinks are functionally equivalent to the selection buttons, that when selected, provides medical assistance to a traveler while traveling in a foreign country.

Referring to **claim 33**, Masciantonio discloses a method for delivering medical assistance to a patient traveler while visiting in a foreign country, the traveler utilizing a client system, the method comprising the steps of: [See paragraph 0037, figure 1] receiving a selection of one of the selection buttons; [See paragraphs 0045, 0039, 0042 - *The server receives the medical request via the web pages.*] sending a request to a server; and [See paragraphs 0037, 0039] the server delivering to the client system the medical assistance associated with the selected button; [See paragraphs 0039, 0037] wherein the request determines that the medical assistance is delivered in a form selected from the group consisting of a language associated with the foreign country

and a format customized to the foreign country; and [See paragraphs 0037, 0020, 0039

- The output information is provided in the foreign language and format of the country the patient is located.]

wherein the medical assistance comprises provision of an over the counter (OTC) prescription available in the foreign country. [See paragraph 0020 - *The system translates common prescriptions and brand names of pharmaceuticals in different locations.*]

Masciantonio does not explicitly disclose the limitation: displaying one or more selection buttons on a display of the client system, wherein each selection is associated with at least one type of medical assistance.

However, Masciantonio teaches a home webpage with one or more hyperlinks. The users may navigate through system by using hyper links to other pages. Members may interact with system by browsing for information stored in the system, by entering new information into the system and by updating information in the system. [See paragraph 0045 and figure 4]. In addition, the method of Masciantonio teaches a web application comprising a web site that facilitates interaction between members, providers, facilitator and system. The web site also includes a list of common medical terms, phrases, and pharmaceuticals that are cross-referenced in multiple languages. [See paragraph 0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more hyperlinks on the webpage are selected to interact with

the system to obtain medical assistance, such as available local medical providers, sickness and prescription description and translation, etc.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention that the one or more webpage hyperlinks are functionally equivalent to the selection buttons, that when selected, provides medical assistance to a traveler while traveling in a foreign country.

Referring to **claim 34**, Masciantonio discloses the method as applied in the rejection of claim 26 above, wherein the database access module executing within the server is operative to access a prescription database. [See Abstract, paragraphs 0020, 0037 – *The system is used to access information regarding drugs in multiple languages.*]

Referring to **claim 35**, Masciantonio discloses the method as applied in the rejection of claim 26 above, wherein the server is operable to access a sickness database and referral database. [See paragraph 0037 - *The system provides description of sickness in multiple languages.*]

Referring to **claim 36**, Masciantonio discloses the method as applied in the rejection of claim 26 above, wherein the database access module executing within the server is operative to access a medical services and clinics database. [See paragraphs

0039, 0042 – *The database provides information regarding medical providers to a traveler while traveling internationally.]*

Claims 5-7 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. No. 2007/0067391 (Masciantonio), as applied to claims 1 and 26 above, and further in view of US Patent Pub. No. 2005/0075909 (Flagstad).

Referring to **claim 5**, Masciantonio discloses the method as applied in the rejection of claim 1 above. Masciantonio does not explicitly disclose the limitation: further comprising a life saving article, the life saving article identifying emergency medical information that is related to the traveler and a URL for the server, and the step of sending a request to a server further comprises sending the request to the URL identified on the life saving article.

However, Flagstad teaches a method with the limitation: further comprising a life saving article, the life saving article identifying emergency medical information that is related to the traveler and a URL for the server, and the step of sending a request to a server further comprises sending the request to the URL identified on the life saving article. [See paragraphs 0048, 0049, 0059]

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system executing the method of Masciantonio to have incorporated a memory device as in Flagstad with the motivation of providing access to a patient's medical information during a medical emergency.

Referring to **claim 6**, Masciantonio discloses the method as applied in the rejection of claim 5 above. Masciantonio does not explicitly disclose the limitation: wherein the life saving article is selected from a group consisting of a necklace with a notice plate, a plastic card, a key-holder with a medical plate and a sticker.

However, Flagstad teaches a system with the limitation: wherein the life saving article is selected from a group consisting of a necklace with a notice plate, a plastic card, a key-holder with a medical plate and a sticker. [See paragraph 0022]

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system executing the method of Masciantonio to have incorporated a memory device as in Flagstad with the motivation of providing access to a patient's medical information during a medical emergency.

Referring to **claim 7**, Masciantonio discloses the method as applied in the rejection of claim 5 above. Masciantonio does not explicitly disclose the limitation: wherein the life saving article comprises an emergency password and the step of sending a request to the server further comprises sending the emergency password.

However, Flagstad teaches a system with the limitation: wherein the life saving article comprises an emergency password and the step of sending a request to the server further comprises sending the emergency password. [See paragraph 0048 – *The memory device contains a password number used to access medical information of the person from a service provider's website located on the memory device.*]

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system executing the method of Masciantonio to have incorporated a memory device as in Flagstad with the motivation of providing access to a patient's medical information during a medical emergency.

Referring to **claim 28**, it contains similar limitations as set forth in claims 5 and 6, and therefore is rejected based on the same rationale.

Claims 8 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. No. 2007/0067391 (Masciantonio), as applied to claims 1 and 26 above, and further in view of US Patent Pub. No. 2003/0050803 (Marchosky).

Referring to **claim 8**, Masciantonio discloses the method as applied in the rejection of claim 1 above. Masciantonio does not explicitly disclose the limitation: further comprising a medical measurement device that can be attached to the traveler and is operable to take certain medical measurements of the traveler, and the method further comprises the step of taking the certain medical measurements and, responsive to said step of receiving a selection of one or more of the selected button, transferring the certain medical measurements to the server.

However, Marchosky teaches a system with the limitation: further comprising a medical measurement device that can be attached to the traveler and is operable to take certain medical measurements of the traveler, and the method further comprises

the step of taking the certain medical measurements and, responsive to said step of receiving a selection of one or more of the selected button, transferring the certain medical measurements to the server. [See paragraphs 0069, 0072, 0103 – *Upon selecting the diagnostic operation, audiovisual sensors can be used to collect a patient/traveler medical data and transmitted from the remote computer to the central server.*]

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the medical diagnostic program as taught by Marchosky in the system of Masciantonio, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to **claim 29**, it contains similar limitations as set forth in claim 8, and therefore is rejected based on the same rationale.

Response to Arguments

Applicant's arguments with respect to the rejection of claims 1, 2, 4, 8, 26, 29 and 30 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Applicant's arguments with respect to the rejection of claims 5-7 and 28 under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. No. 2001/0053987 (Kleinschmidt) in view of US Patent No. 5,964,700 (Tallman) and further in view of US Patent Pub. No. 2005/0075909 (Flagstad) have been considered but are moot in view of the current rejection.

Applicant argues that claims 5-7 and 28 depend either directly or indirectly from allowable claims 1 and 26 and as such, their rejections are rendered as moot based on the amendments and arguments presented regarding claims 1 and 26.

In response to Applicant's arguments, Examiner notes that these arguments are moot in view of the current rejection. In addition, Flagstad teaches the limitations of claims 5-7 and 28.

Newly added claims 31-36 have been addressed in the updated rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEGUN GOYEA whose telephone number is (571)270-5402. The examiner can normally be reached on Monday through Thursday, 8:00am to 5:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on (571)272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OLUSEGUN GOYEA/
Examiner, Art Unit 3687
04/30/2012